IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 588 of 2010
Date of decision January 14 , 2010

Khushal Singh

..... Petitioner

Versus

Central Information Commission, Club Building, Old J.N.U. Campus, Opposite Ber Sarai, New Delhi through Registrar and another.

..... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Harsh Aggarwal, Advocate
for the petitioner.

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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K. Kannan, J (oral).

1. The petitioners who are Public Information Officers, CBSE, New Delhi challenges the imposition of fine made by the Information Commissioner for non-compliance of the information directed to be given. The Central Information Commission was dealing with the case where information had been sought with regard to information of certain Schools in CBSE Shiksha Kendra, New Delhi. The response had not been forthright and the Central Information Commission found that they were evasive. For instance, even for information sought with reference to the names of teaching and non-teaching staff the response was that they did not compile such information. When an information sought was with regard to the status of the complaint given by the appellant through his letter dated 13.12.2008 the response was that the information sought by

the applicant was not clear. To response to the status of the complaint given to the Chairman by letter dated 21.3.2009 the response was that it was awaiting for the comments of the School.

2. After notice was issued under Section 20 of the Right to Information Act, the Information Commission has noticed that the information that had been originally denied despite directions from the Commission was given only after proceedings were taken under Section 20. The applicant seeking for information is reported to have submitted that he was satisfied with regard to all information supplied except query No.5 where the PIO had been directed to provide copy of the information relating to certain Schools and that although the order was issued on 17.8.2009 setting a time limit within which information must be forth coming, he had again given the previous information which he had given with reference to Safidon School when the information sought was with regard to another School in Jharkhand. The Information Commission found that there was a defiance of the statutory orders. The Information Commission also found that there was no written explanation by the PIO but he was only stating that he had not understood the nature of information sought and hence, he did not immediately respond to them. Under such circumstances the Information Commission thought that it was a fit case for levying penalty at the rate of Rs.250/- per day and since the delay had been caused for 100 days from 5.9.2009 he had fixed the maximum penalty of Rs.25,000/- and directed the amount to be paid by the Chairman which could be recovered from the salary of the persons who were responsible for causing delay.

3. The Right to Information Act ushers in a new era of transparency in the functioning of public offices and the duties of public authorities. We ought to be heading for a situation that many of the information regarding public offices ought not to be required to be

demanded to be secured. On the other hand, the information must be forth coming on their own. Every public institution ought to be running its affairs with a degree of transparency that would instantly evoke public confidence. In this case, there were not merely instances where the delay had been caused that could normally be expected of a public institution to give the information. On the other hand, the delay had been caused by a deliberate unwillingness to give the information of what they ought to have had. Section 20 of the Act alone provides a reckoning that nothing except imposition of the penalty would be the consequence for non performance or delayed performance. The Central Information Commission has passed the order after due consideration of the relevant status and its own conviction that there was an attempt at defiance and delay the process of securing information process of that the Act makes possible. We have to charter a whole new path of understanding a new paradigm that has been set through this Act. The bureaucratic mindset of lethargy must go; Inertia must give place to quick response; defiance shall be tellingly punished. The penalty enforced is justified and within the confines of what is permissible under Section 20. There is no cause for intervention in the writ petition.

4. The writ petition is accordingly dismissed.

(K. KANNAN)
JUDGE

January 14 , 2010
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